

### **REMARKS**

Claims 22-53 stand rejected under 35 U.S.C. 102(e) as being anticipated by Foster. The Examiner states that Foster discloses a nickel layer, a strike layer consisting essentially of zirconium, titanium or zirconium-titanium alloy, and an outer layer consisting essentially of zirconium compound, titanium compound, or zirconium-titanium alloy compound, and the claimed invention is anticipated. Applicant respectfully disagrees.

The claimed invention is not anticipated by Foster. Foster does not disclose an article including a nickel layer, a strike layer consisting essentially of zirconium, titanium or zirconium-titanium alloy directly contacting the nickel layer and an uncoated outer layer consisting essentially of zirconium compound, titanium compound, or zirconium-titanium alloy compound directly contacting the strike layer. Foster discloses a coating including a chrome layer 20 and a layer of refractory metal or refractory metal alloy 22 that directly contacts the chrome layer 20. A layer of refractory metal compound or refractory metal alloy compound 28 or 32 directly contacts the layer 22. However, the layer 28 or 32 that directly contacts the layer 22 is not uncoated as claimed. Instead, the layer 28 or 32 is coated with either a sandwich coating 26 having a layer 34 of the reaction products of refractory metal or refractory metal alloy, oxygen and nitrogen or a layer 36 comprising refractory metal oxide or refractory metal alloy oxide. Therefore, the layer 28 or 32 of Foster is not uncoated as claimed.

Additionally, in Foster, a layer of chrome 20 is located under the layer 22. The claimed invention recites that the layer of refractory metal directly contacts the layer of nickel. In Foster, it is not possible for the layer 22 to directly contact the nickel layers 14 and 16 because of the presence of the chrome layer 20 in all the embodiments. However, even taking the Examiner's interpretation that the chrome layer 20 is not needed in Foster, Foster still does not disclose that the layer 28 or 32 that directly contacts the layer 22 is uncoated as claimed.

Thus, claims 22-53 are in condition for allowance. Applicant has filed a Notice of Appeal herewith. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.



60137-158  
270-3038-U

Respectfully Submitted,

**CARLSON, GASKEY & OLDS, P.C.**

Karin H. Butchko  
Registration No. 45,864  
Attorneys for Applicant  
400 West Maple Road, Suite 350  
Birmingham, Michigan 48009  
(248) 988-8360

Dated: February 18, 2005

**CERTIFICATE OF MAILING**

I hereby certify that the attached response is being deposited with the U.S. Postal Service as First Class Mailing, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 18, 2005.

Amy M. Spaulding